



Afghanistan's military courts nearly in session

OSC-A Public Affairs

KABUL, Afghanistan – The Afghan National Army's long-awaited military justice system came closer to completion recently when 47 Afghan lawyers took a test to fill 20 military judge positions. Those selected will serve as judges for five basic military courts and one court of appeals at the Ministry of Defense.

This is another step along the path to Afghanistan's quest for good governance because it shows openly what the selection criteria and qualifications are for military judges and removes doubt over why one judge might get appointed while another might not, said Navy Cmdr. Errol Henriques, lead mentor for ANA Brig. Gen. Shir Mohammad Zazai, the ANA General Staff's legal department director.

The testing process confirms that these lawyers meet the standards required of a military judge. The ministry also expects to be able to appoint prosecutors and defenders for the court system from among these applicants, Henriques explained.

"The test is important to show how the ministry sets standards and maintains them consistently," Henriques said.

Consistency lends credibility, crucial components of a visible system acceptable to the new National Assembly, he said.

Zazai officiated the testing process. He told the applicants, "Your work will help build discipline in the Afghan National Army by

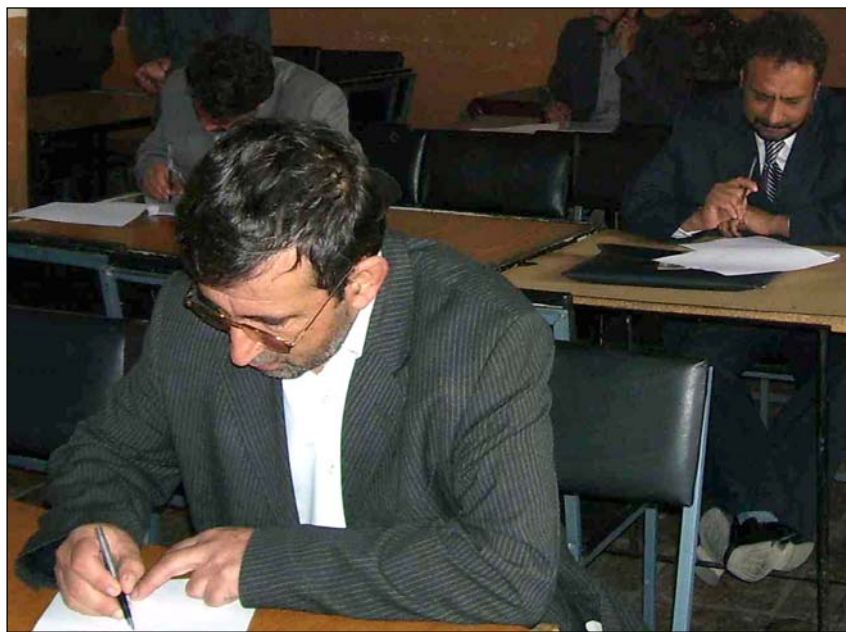


Photo by Navy Cmdr. Errol Henriques

Afghan lawyers begin the 50-question, 90-minute military judge test to fill 20 positions. Those selected will fill judge positions in five basic military courts and one court of appeals at the Ministry of Defense.

making fairness and justice our highest priority."

Though it applies to members of the ANA, the military justice system must operate within the framework of national law as established by Afghanistan's constitution. The Islamic Republic of Afghanistan is a sovereign state with the authority to regulate its citizens' activities, and this system, explained Henriques, "takes into account the provisions of Islamic law and tradition seen as guiding principles in Afghan society."

Putting all the information together to develop a solid, legal foundation for the ANA also lets Afghanistan's senior leaders examine what is right with how the nation's government has taken shape so far, Zazai said.

Several more steps remain to be taken before the military justice system is completely in place. "We still need to train the military judges, prosecutors and defenders," Henriques said. "We want to make sure we do this right the first time through."

ANA Maj. Gen. Zaher Azimi, assistant minister of defense for Parliamentary Affairs, Social Relations and Public Affairs, said, "You could compare it to any other complex military operation. Everything we do must be planned carefully, considering the impact on society as well as on our army."

"It's not about punishment as much as it's about having standards everyone understands, and making sure those standards come from Afghan history and culture." 